

**DRAFT 1 (Post-Citecheck) – Last Updated by IBK on 3/1/22**  
UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Thomas Evenstad,

Case No. 20-cv-1464 (WMW/DTS)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Paul Schnell, Michelle Smith, Nate Knutson, Karen Robinson, Nan Larson, Steve Huot, Rebecca Holmes, Will McDonald, Eddie Miles, Carol Krippner, Roger Baburam, Dan Raden, Lt. Halvorson, Lt. Baird, Sgt. M. Krengel, Sgt. Goggisberg, Shawn Iacono, Minnesota Department of Corrections, and State of Minnesota,

Defendants.

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Before the Court is the January 13, 2022 Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz. (Dkt. 38.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS  
HEREBY ORDERED:**

1. The January 13, 2022 R&R, (Dkt. 38), is **ADOPTED**.
2. Plaintiff Thomas Evenstad's complaint, (Dkt. 1), is **DISMISSED  
WITHOUT PREJUDICE** for failure to prosecute.

3. Defendants' motion to dismiss, (Dkt. 26), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 2, 2022

s/Wilhelmina M. Wright

Wilhelmina M. Wright  
United States District Judge